

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Haislett Place
Grazing Permit

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0077-DNA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



DATE POSTED: February 11, 2013

DATE DUE: February 25, 2013

Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Miles City

NEPA Number: DOI-BLM-MT-C020-2012-0077-DNA

Case File/Project No: GR 2502136

Proposed Action Title/Type: Issuance of Grazing Permit

Location/Legal Description

Garfield County (See map at end of the document)

A: Description of the Proposed Action: The proposed action is to ensure the allotment continues to meet the Land Health Standards and issue a transfer of grazing preference from Karen and Troy Witt to the current applicant Triangle L Trust. The applicant provided a lease agreement showing control of the base property for the Haislett Place Allotment for 4 years. The permit would be issued for 4 years (March 1, 2013 through February 28, 2017). No changes would be made to the existing grazing schedule, grazing preference, kind of livestock, percent public land, or type of use. The permit would be issued as follows:

Gr. 2502136

Allotment	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
00173 Haislett Place	21	Cattle	03/01	02/28	100	Custodial	253

Total Active AUMs: 253

Terms and Conditions:

Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

Supplemental feed (includes salting) will not be placed with one quarter of a mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available from public lands.

The term of the permit will run from March 1, 2013 to February 28, 2017, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in Conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through February 28, 2023

Applicant: Triangle L Trust
County: Garfield
DNA Originator: Josh Halpin

B. Land Use Plan (LUP) Conformance

LUP Name* Big Dry RMP, ROD Date Approved 1996

Other document** Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota and South Dakota ROD Date Approved 1997

Other document** DOI-BLM-MT-C020-2011-0278-EA Date Approved January 12, 2012

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)

This proposed action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 12 “Terms and conditions are a tool to achieve resource conditions in the standard”. The Big Dry RMP ROD (page 11) recognizes livestock grazing within the preferred alternative of the final EIS..

C. Identify applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Big Dry RMP ROD signed 1996

DOI-BLM-MT-C020-2011-0278-EA Date Approved January 12, 2012

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

- S&G EA MT-020-99-73. The Haislett Place Allotment passed the Standards for Rangeland Health assessment in 1999. The allotment is still considered to be meeting the Standards for Rangeland Health.
- Cultural Project Number: MT-020-13-126

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial? Yes. The proposed action is similar to those analyzed in the above referenced documents. The EA's analyzed issuing the permit for the Haislett Place Allotment while analyzing grazing schedule, grazing preference, kind of livestock, percent public land, type of use, or the terms and conditions

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values? Yes. The alternatives in the existing Environmental Assessment analyzed the effects of livestock grazing. These alternatives were determined to be appropriate for the current proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action? Yes, no new information has been obtained since the original transfer EA was signed in January 12, 2009.

4. Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? Yes. The direct and indirect impact of the current proposed action is unchanged from the existing Environmental Assessment. The current proposed action is an administrative name change and the number of livestock and season of use is remaining unchanged. The original EA analyzed the site-specific impacts livestock grazing would have on the allotment. Since the livestock grazing is not changing on the allotment, the original EA is sufficient for site-specific impacts.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes. The public involvement and interagency review associated with the existing Environmental Assessment is adequate for the current proposed action per agency requirements. The NEPA log is available on the Miles City Field Office web page for public access.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Represented</u>	<u>Date</u>
Kent Undlin	Wildlife Biologist	Wildlife	4/8/13 KU
Reyer Rens	Supv Range Mgt Spec	Review	RR 4/12/2013
CJ Truesdale	Archeologist	Review	CJ 03/065/2013 MT-020-13-126

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

Environmental Coordinator

Date

CONCLUSION

☐ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation in *DOI-BLM-MT-C020-2009-0170* fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

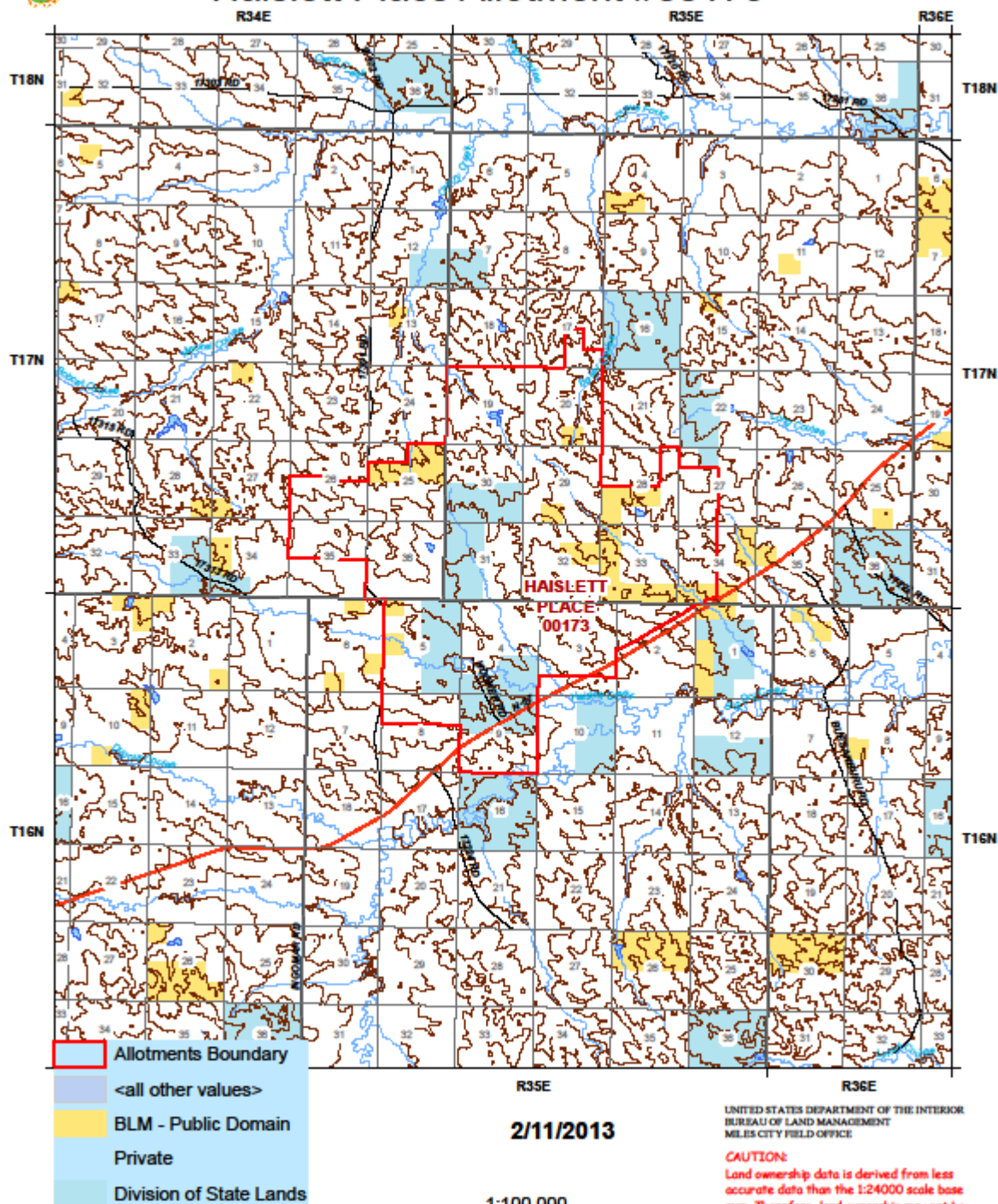
Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

Todd D. Yeager
Field Manager
Miles City Field Office

Date



Haislett Place Allotment #00173



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

2/11/2013

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.



In Reply Refer To:
4100(MTC021)
GR# 2502136

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-0940
<http://www.blm.gov/mt>



May 07, 2013

Triangle L Trust
C/O Colin Murnion
Box 132
Jordan, Montana 59337

Certified Mail No: 70113500000345172463
Return Receipt Requested

NOTICE OF PROPOSED DECISION

BACKGROUND

The Haislett Place Allotment No. 00173 is located approximately 10 miles east of Sand Springs, Montana in Garfield County. The Haislett Place Allotment consists of 1,033 acres of public land containing 253 AUMs, 7,505 acres of private land, and 1,585 of state land. The allotment was determined to be meeting the Standards and Guidelines for Rangeland Health in 1999.

A Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2012-0077-DNA) to analyze the renewal and issuance of a grazing permit for the Haislett Place Allotment No. 00173. The Finding of No Significant Impacts was signed by the authorized officer on April 15, 2013.

PROPOSED DECISION

Therefore, it is my proposed decision to issue a grazing permit, which authorizes the grazing of the Haislett Place Allotment No. 00173 to Triangle L Trust. The term of the grazing permit will be for 4 years (March 1, 2013 through February 28, 2017). The grazing permit will be issued as follows:

GR # 2502136

Allotment Name and Number	Livestock		Grazing Period		% PL	Type Use	AUMs
	Number	Kind	Begin	End			
Haislett Place Allotment No.00173	21	Cattle	03/01	02/28	100	Custodial	253

Total Active AUMs: 253

Terms and Conditions:

Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

Supplemental feed (includes salting) will not be placed with one quarter of a mile of stock watering facilities, riparian zones, hardwood draws or wetlands. Supplemental feed defined as feed that provides for improved livestock nutrition or rangeland management, but does not replace forage available form

public lands.

The term of the permit will run from March 1, 2013 to February 28, 2017, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in Conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through February 28, 2023

RATIONALE

The issuance of the grazing permit is provided through proper documentation showing control of the base property being submitted to the BLM. The documentation contains the legal descriptions of the recognized base property for the Haislett Place Allotment No. 00173 and was determined to be appropriate by the authorized officer.

Upon receiving all forms a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2012-0077-DNA) to analyze the renewal and issuance of a grazing permit for the Haislett Place Allotment No. 00173. The Finding of No Significant Impact was signed by the authorized officer on April 15, 2013.

The BLM determined that Triangle L Trust meet the qualifications to be an applicant to hold the grazing permit. The issuance of the permit complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

AUTHORITY

The following sections of the Code of Federal Regulations, chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

§4110.1 Mandatory qualifications

§4110.2-1 Base property.

§4110.2-2 Specifying permitted use.

§4130.2 Grazing permits or leases

§4120.3–2 Cooperative range improvement agreements.

§4130.3 Terms and conditions

§4130.3-1 Mandatory terms and conditions

§4130.3-2 Other terms and conditions

§4130.3-3 Modification of permits and leases

§4160.1 Proposed decisions

§4160.2 Protests

§4160.3 Final decisions

§4160.4 Appeals

RIGHT OF PROTEST AND APPEAL

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice (43 CFR 4160.3(a)).

Appeal:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 (and 43 CFR 4.471), pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the (enter Field Office name) Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b) (1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

ENCLOSURES FOR REPLY

Find enclosed two (2) copies of your grazing permit. Please sign both copies and return them to the Miles City Field Office. Once signed by the Authorized Officer, you will be provided with a signed copy for your records.

Also enclosed is copy of your BLM allotment map. Please review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to this office.

If you have any questions on this document or would like to discuss your allotment map, please contact Josh Halpin, Rangeland Management Specialist at 406-233-3168.

Sincerely,



Todd D. Yeager
Field Manager

Enclosed:

- 1) BLM Grazing Permit (2 copies) (Please sign and return to the Miles City Field Office)
- 2) Allotment Map

Halpin:lrn:5/3/13:Triangle_L_Trust_Decision_Letter_Halpin_2013

